

Attorney Docket No.: 03404/000K075-US0

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on March 24, 2006
Date

B.W. Lee

Signature

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Registration Number, if applicable

Telephone Number

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Request for Withdrawal of Notice of Abandonment (3 pages)
Exhibit A - Copy of Notice of Abandonment (2 pages)
Exhibit B - Declaration of Edward Ellis (3 pages)
Exhibit C - Declaration of Walter Norris (3 pages)
Exhibit D - Copy of File Jacket (1 page)
Exhibit E - PATTSY printout (2 pages)
Return Postcard

For these reasons, applicants respectfully submit that the withdrawal of the Notice of Abandonment is in order and prosecution should be reinstated and the Office Action remailed.

Dated: March 24, 2006

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

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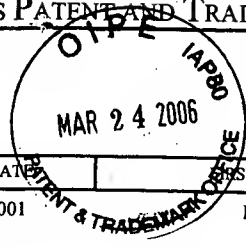
Attorneys/Agents For Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

E. Ellis

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,621	11/30/2001	Masato Takahashi	3404/OK075	4928

7278 7590 02/27/2006

DARBY & DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
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3727

~~DUE:~~ *PETITION To Revoke*

Docketed on _____ by _____ for

DATE MAILED: 02/27/2006

Docketed without file ☐

Attorney *[Signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/998,621

Examiner

Robin A. Hylton

Applicant(s)

TAKAHASHI ET AL.


Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


ROBIN A. HYLTON
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD
THEREOF

DECLARATION OF EDWARD J. ELLIS

Edward J. Ellis declares and says:

1. I am an attorney of record in the above identified application.
2. I make this declaration in support of the REQUEST TO WITHDRAW

HOLDING OF ABANDONMENT. The REQUEST which seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006, in the above-referenced application and (b) to have the Office Action dated June 6, 2005 remailed to the Applicants.


3. Upon receiving this Notice of Abandonment, I checked the file jacket of the present application for the existence of the Office Action dated June 6, 2005 and did not locate such Office Action in the file jacket.

4. A docket sheet (enclosed as Exhibit D) for the present application which is located on the front cover of the file jacket for the application was also checked to see if any entry was made showing receipt of the June 6, 2005 Office Action and the entry of a deadline to file a response to the Office Action. No such docket entry was found but instead, the docket sheet only shows that the RCE was filed on March 14, 2005 as a response to the Final Office Action (see highlighted section on the docket sheet enclosed as Exhibit D) and then an entry entitled "Petition to Revive" was entered with a base date of February 27, 2006 to evidence the mail date and receipt of the Notice of Abandonment.

{W:\03404\000K075000\00693468.DOC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 }

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006


Edward J. Ellis

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

Docket No: 03404/000K075-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Masato Takahashi et al.

Serial No: 09/998,621

Filed: November 30, 2001

For: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD
THEREOF

DECLARATION OF WALTER J. NORRIS

Walter J. Norris declares and says:

1. I have been employed by Darby & Darby, P.C. for over 15 years and am currently its Records Department Manager.

2. I make this declaration in support of the REQUEST TO WITHDRAW HOLDING OF ABANDONMENT. The REQUEST seeks (a) withdrawal of the NOTICE OF ABANDONMENT mailed on February 27, 2006 in the above-referenced application, and (b) to have the Office Action dated June 6, 2005 remailed to Applicants to permit a response thereto.

3. On information and belief and based on a review of the file jacket of the present application and the docket sheet for the present application, the June 6, 2005 Office

Action was not received by Darby & Darby P.C.

{W:\03404\000K075000\00692761.DOC {XX}}

4. It is a standard practice at Darby & Darby P.C. that all mail is received by the Records Department of the law firm. If the mail is found to contain an Official communication from the U.S. Patent Office (USPTO), the Records Department date stamps the the USPTO mail indicating among other things the date on which the mail was received. This practice is followed regardless of whether the Official communication is contained in an envelope from the USPTO or is contained in an envelope from another source, such as another law firm.

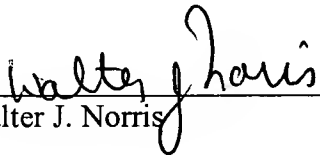
5. All USPTO documents with deadlines (including Office Actions) are scanned into the firm's network so that they can be viewed and/or printed at any time. In addition, a docket entry indicating that mail has been received is entered into the corresponding record in our database, identified by the USPTO mail date and name of the document. (To keep the firm's personnel fully informed at all times, a database report is generated on a daily basis identifying all USPTO mail received.) The actual USPTO document is then matched to the hard file and delivered to the Docketing Department for docketing of its due date on the cover of the hard file, as well as in the firm's hard docketing ledgers.

6. I have checked our running report of USPTO mail received after the alleged mail date of the Office Action in this case (June 6, 2005), and found that we have no record of having received any USPTO mail for this matter up to the receipt of the Notice of Abandonment. A computer print screen from our database (enclosed as Exhibit E) for the present application shows that no entry was made for an Office Action dated June 6, 2005, but instead merely shows that the next communication received after the Request for Continued
{W:\03404\000K075000\00692761.DOC [REDACTED] }

Examination was submitted by Applicants on March 14, 2005 was the Notice of Abandonment dated February 26, 2006, which is clearly entered in the database. The docket sheet on the front of the file jacket of the present application (Exhibit D) likewise has no entry evidencing receipt of the June 6, 2005 Office Action.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: March 24, 2006


Walter J. Norris

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{W:\03404\000K075000\00692761.DOC [REDACTED]}

3727)
4928



CLASSIFICATION

OZ M T D O O

ASSGN

Div. or
Contin.

03404 / 000K075-USO

PRINTED ON Wednesday, March 08, 2006

Fujimoto Patent & Law Office

Last Updated By: DBP

211

Application No.: 09/998,621

Filing Date: 11/30/2001

Application Type: UTL

Examiner Name:

Group Art Unit:

Confirmation No.:

Client Ref. No.: FPA1-143/-USPAP133

Status: PUBLISHED

Publication No.:

Publication Date: 12/26/2002

Patent No.:

Issue Date:

Title of Invention: SEALING ELEMENT, HERMETIC CONTAINER AND SEALING METHOD THEREOF

Small Entity: no

Assignment: R/F: 012339/0340 TOKYO, JAPAN & HYOGO, JAPAN

Assignee(s): Shin-Etsu Polymer Co., Ltd.
Mitsubishi Cable Industries, Ltd.

Inventor(s): Takahashi, Masato
Fujimori, Yoshiaki;
Azuma, Yoshio
Nishmura, Yasuyuki
Horita, Naohiro

ACTION	BASE	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP
PETITION TO REVIVE	2/27/2006	2/27/2006		2/27/2006	0		0/M
DELIVER FILE TO DKTG	3/14/2005	8/14/2005		8/14/2005	0		1/M
NOTICE OF APPEAL	12/14/2004	6/14/2005	3	6/14/2005	0	3/14/2005	3/M
FINAL REJECTION	12/14/2004	3/14/2005	3	6/14/2005	0	3/14/2005	1/M
RESPONSE TO OA	6/16/2004	9/16/2004	3	12/16/2004	1	9/16/2004	1/M
DRAWING REQUIREMENT	8/16/2004	9/16/2004	3	12/16/2004	3	9/16/2004	3/M
NOTICE OF APPEAL	8/12/2003	2/12/2004		2/12/2004	0	2/11/2004	3/M
FINAL REJECTION	8/12/2003	11/12/2003	3	2/12/2004	3	2/11/2004	1/M
DRAWING REQUIREMENT	8/12/2003	11/12/2003	3	2/12/2004	3	2/11/2004	1/M
FILE FORMALS???	6/3/2003	11/3/2003	3	11/3/2003	0	2/11/2004	1/M

BEST AVAILABLE COPY

Priority Claimed

6/8/01

Docs. Fwd.

11/30/01

PTO Ack.

3/12/03

0/0

DARBY & DARBY, P.C.

E BLVD.

PATTSY

Entered
Docketed

11/27/01

[illegible]

(2) REFS.

FR	<input type="checkbox"/> N	FINAL REJECTION	12/14/2004	3	M	3/14/2005	3	1	6/14/2005	0	3/14/2005	1	M	Y	Y	N
NA	<input type="checkbox"/> N	NOTICE OF APPEAL	12/14/2004	6	M	6/14/2005			6/14/2005	0	3/14/2005	3	M	Y	Y	N
DK	<input type="checkbox"/> N	DELIVER FILE TO DKTG	3/14/2005	5	M	8/14/2005			8/14/2005	0		1	M	N	Y	N
VV	<input type="checkbox"/> N	PETITION TO REVIVE	2/27/2006	0	M	2/27/2006			2/27/2006	0		0	M	Y	Y	N

INVENTORS

Takahashi, Masato

Fujimori, Yoshiaki;

Azuma, Yoshio

Nishmura, Yasuyuki

Horita, Naohiro

ASSIGNEES

Shin-Etsu Polymer Co., Ltd.

Mitsubishi Cable Industries, Ltd.

USER-DEFINABLE FIELDS

TEXT 1

TEXT 2

Old#

0K075US0

PATENT FIELDS

SMALL ENTITY

no

ART UNIT

CLAIMS

EXAMINER

PUBLICATION#

CONFIRM#

P11845US00

ENTERED

11/27/2001

MODIFIED

3/8/2006

BY

DBP

PAY

☐

ATTORNEYS

PCS

/

AAA

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HL

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EJE

FILE LOCATION

FILE/SUBFILE#

LOC

0K075US0

RAGIB

000K075-US0

EJE

000K075-US0R1

FILE